

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.21743 of 2019

M/s.Cotton Blossom (India) Pvt. Ltd.,
Rep. by its Manager Mr.T.Senthilkumar
No.15, Nethaji Apparel Park
Perumanallur, Tiruppur - 641 666.

...Petitioner

vs.

Regional Provident Fund Commissioner - II
Employees Provident Fund Organisation
Post Box No.3875, Dr.Balasundaram Road,
Coimbatore - 641 018.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the respondent order No.CB/CBE/PDC-II/CC-29/87081/INTEREST/2019 dated 02.07.2019 and to quash the same and direct the respondent to accept the remaining outstanding determined amount in 24 equal installments.

For Petitioner : Mr.P.Thangaraj

For Respondent : Mr.J.Sathyanarayana Prasad
standing counsel

O R D E R

This writ petition is filed challenging the impugned proceedings dated 02.07.2019 calling upon the petitioner to remit the interest dues under Section 7Q of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, within 7 days from the date of receipt of such proceedings. Consequently, the petitioner seeks for a direction to the respondent to accept the remaining outstanding amount in 24 equal monthly installments.

2. Heard both sides.

3. Though this writ petition is filed by challenging the impugned demand, in effect, the grievance of the petitioner is against the time granted for making such payment and not against the very demand itself. In other words, the

petitioner is willing to pay the impugned demand and interest in monthly installments.

4. The learned standing counsel appearing for the respondent fairly submitted that though there is provision for making such payment in installments, in view of the Circular No.RRC/28(23)06/BIFR dated 11.02.2014 issued by the Employees' Provident Fund Organisation (Ministry of Labour, Government of India), New Delhi, the petitioner should pay the current contributions and Employees share regularly by 15th day of each Month. He also submitted that number of installments sought for by the petitioner is too longer period and therefore, a reasonable time may be fixed by this Court.

5. Considering the fact that the petitioner is not disputing their liability and on the other hand, they seek to make payment only in installments, considering the fact that the said claim is not seriously disputed by the respondent, this Writ Petition is disposed of, by directing the petitioner to pay the impugned demand and interest in 20 equal monthly installments commencing from January 2020 payable on or before 10th day of every Month. The petitioner shall also pay the current contributions and their share regularly by 15th day of every Month without fail. In case of default in paying any installments, it is open to the respondent to take action against the petitioner in accordance with law. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mk

To
Regional Provident Fund Commissioner - II
Employees Provident Fund Organisation
Post Box No.3875, Dr.Balasundaram Road,
Coimbatore - 641 018.

+1cc to Mr.J.Sathyanarayana Prasad, Advocate SR.105550

NR(CO)
CB(27/01/2020)

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